

REMARKS

Claims 28-53 are pending. Claims 41-43 have been amended to correct the claim dependencies. No new Matter has been added by this amendment.

Restriction/Election Requirement

The Examiner has required restriction to one of the following:

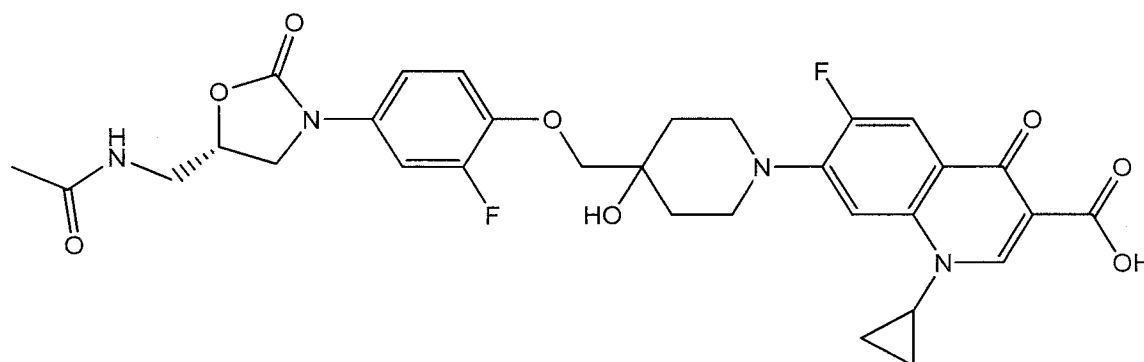
- I. Claim(s) 28-32 and 34-53, drawn to a method of treating a subject suffering or susceptible to anthrax or an infection comprising administering formula I wherein A is a piperidine and R3 and R5 are not cyclized.
- II. Claim(s) 28-30 and 33-53, drawn to a method of treating a subject suffering or susceptible to anthrax or an infection comprising administering formula I wherein A is a piperidine and R3 and R5 are cyclized.
- III. Claim(s) 28-32 and 34-53, drawn to a method of treating a subject suffering or susceptible to anthrax or an infection comprising administering formula I wherein A is a piperazine and R3 and R5 are not cyclized.
- IV. Claim(s) 28-30 and 33-53, drawn to a method of treating a subject suffering or susceptible to anthrax or an infection comprising administering formula I wherein A is a piperazine and R3 and R5 are cyclized.
- V. Claim(s) 28-32 and 34-53, drawn to a method of treating a subject suffering or susceptible to anthrax or an infection comprising administering formula I wherein A is a pyrrolidine and R3 and R5 are not cyclized.

- VI. Claim(s) 28-30 and 33-53, drawn to a method of treating a subject suffering or susceptible to anthrax or an infection comprising administering formula I wherein A is a pyrrolidine and R3 and R5 are cyclized.
- VII. Claim(s) 28-32 and 34-53, drawn to a method of treating a subject suffering or susceptible to anthrax or an infection comprising administering formula I wherein A is a azetidine and R3 and R5 are not cyclized.
- VIII. Claim(s) 28-30 and 33-53, drawn to a method of treating a subject suffering or susceptible to anthrax or an infection comprising administering formula I wherein A is a azetidine and R3 and R5 are cyclized.
- IX. Claim(s) 28-32 and 34-53, drawn to a method of treating a subject suffering or susceptible to anthrax or an infection comprising administering formula I wherein A is a azepane and R3 and R5 are not cyclized.
- X. Claim(s) 28-30 and 33-53, drawn to a method of treating a subject suffering or susceptible to anthrax or an infection comprising administering formula I wherein A is a azepane and R3 and R5 are cyclized.
- XI. Claim(s) 28-32 and 34-53, drawn to a method of treating a subject suffering or susceptible to anthrax or an infection comprising administering formula I wherein A is not one of ether a piperidine, piperazine, pyrrolidine, azetidine or azepane and R3 and R5 are not cyclized.

- XII. Claim(s) 28-30 and 33-53, drawn to a method of treating a subject suffering or susceptible to anthrax or an infection comprising administering formula I wherein A is not one of ether a piperidine, piperazine, pyrrolidine, azetidine or azepane and R3 and R5 are cyclized.

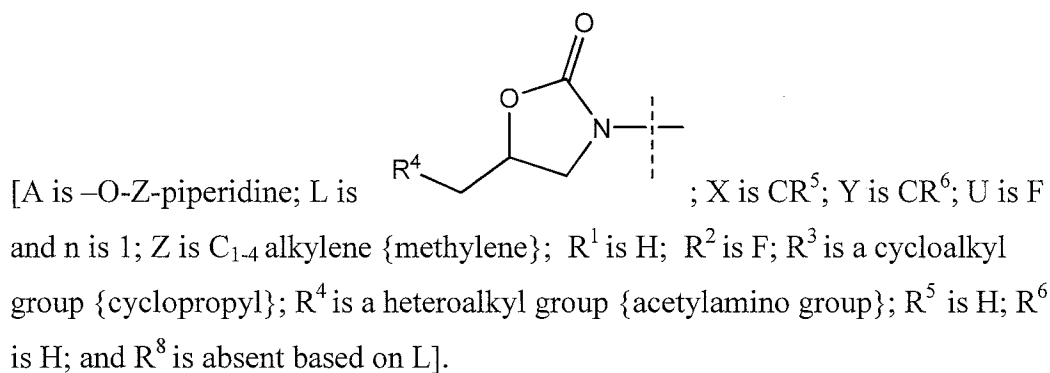
Applicants respectfully thank the Examiner for his telephonic discussion with Attorney for Applicants, Nicholas J. DiCeglie, Jr. (Reg. No. 51, 615), on October 21, 2008. During this discussion the definition of piperidine in Group I was discussed. As a result of this discussion, Applicants respectfully elect Group I with the understanding that “-O-Z-piperidine” is encompassed within the definition of A in this group. If, upon closer inspection, the Examiner determines that “-O-Z-piperidine” is more appropriately searched in its own group, or another similar group, Applicants respectfully request that the Previously Presented group be chosen.

Upon election, the Examiner has required the election of a single disclosed species. Applicants respectfully elect 7-(4-{4-[(5S)-5-(Acetylamino-methyl)-2-oxo-oxazolidin-3-yl]-2-fluoro-phenoxy-methyl}-4-hydroxy-piperidin-1-yl) -1-cyclopropyl-6-fluoro-4-oxo-1,4-dihydro-quinoline-3-carboxylic acid (Example 76, Page 73 – *depicted below*)



7-(4-{4-[(5S)-5-(Acetylamino-methyl)-2-oxo-oxazolidin-3-yl]-2-fluoro-phenoxy-methyl}-4-hydroxy-piperidin-1-yl)-1-cyclopropyl-6-fluoro-4-oxo-1,4-dihydro-quinoline-3-carboxylic acid

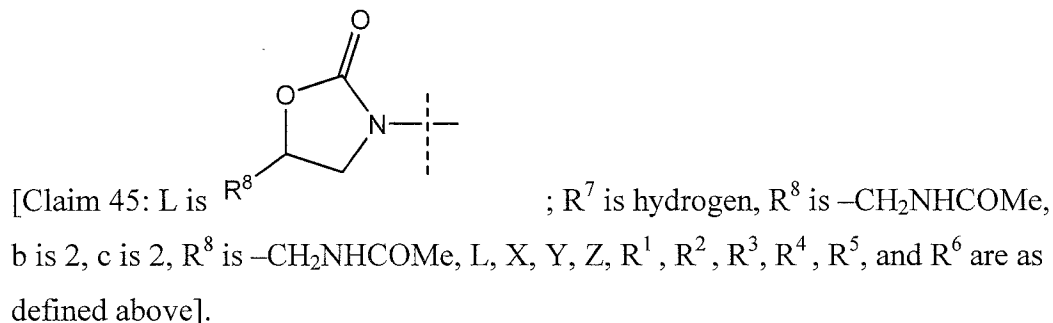
Claims 28, 29, 30, 31, 32, 34, 35, 36, 37, 38, 48, 49, 50, 51, 52, and 53 read on the elected species.



Claims 40, 41, 42, and 43 also read on the elected species.

[Claim 40 based on A: V is O and W is alkylheterocycloalkyl substituted by methoxy. Claim 41-43 based on A: V is O; a is 1; b is 2, c is 2, substituted by methoxy.]

Claims 45-47 also read on the elected species.



The afore-mentioned elections are being made solely to comply with, and be fully responsive to, the restriction requirement set forth in the Office Action. Applicants respectfully reserve the right to pursue any non-elected or otherwise unclaimed subject matter in one or more continuation, continuation-in-part, or divisional applications.

Applicants have submitted a petition for an extension of time herewith, but believe that no additional fees are required for consideration and entry of this paper. However, Applicants authorize the Director to charge any required fee or credit any overpayment to Deposit Account No. 04-1105.

Date: October 29, 2008

Respectfully Submitted,

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